

## **REMARKS**

Claims 1-4 and 10-11 are now pending in the application. Applicant hereby withdraws Claims 3-4 from consideration without disclaimer or prejudice to the subject matter contained therein. Applicant reserves the right to file divisional applications directed to the non-elected claims at a later time, if so desired. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-2, and 10-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nishimura et al. (Nishimura) (U.S. Pat. No. 6,560,960). This rejection is respectfully traversed.

Applicant's claim 1 recites, "defining a maximum temperature for the catalytic converter," "defining a maximum engine speed threshold," and "shutting off fuel to the engine if the estimated temperature of the catalytic converter is greater than the maximum temperature of the catalytic converter and the actual engine speed is greater than the maximum engine speed threshold." Applicant respectfully submits that Nishimura does not disclose any combination of the above limitations.

In particular, Nishimura does not disclose defining a maximum temperature for a catalytic converter. The Examiner states that Nishimura discloses this limitation in column 12, lines 49-67, columns 13-14, lines 1-67, and/or column 15, lines 1-39. Applicant finds no such disclosure in Nishimura. Nishimura discloses estimating a catalyst temperature  $T_{cat}$  at column 12, lines 49-56. Nishimura discloses comparing

the estimated catalyst temperature  $T_{cat}$  to a "predetermined set temperature  $T_{cat1}$ " at column 14, line 25. However, the predetermined set temperature  $T_{cat1}$  is a "predetermined low temperature state." (Column 14, Line 27). In other words, Nishimura discloses defining a minimum temperature for a catalytic converter. Nishimura fails to show, teach, or suggest defining a maximum temperature for a catalytic converter. Indeed, Nishimura describes a method "whereby a lowered temperature state of the catalyst 32, 34 can be prevented." (Column 13, Lines 13-14). Further, Nishimura discloses "heating up of the catalysts 32, 34 if  $T_{cat} \leq T_{cat1}$ ." (Column 14, Lines 30-31).

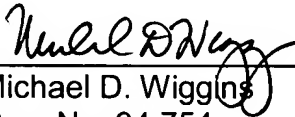
Nishimura does not disclose shutting off fuel in the manner recited in Claim 1. Nishimura does disclose executing fuel cut control when the engine is in a particular operating region. (Column 10, Lines 62-65). However, Nishimura fails to show, teach, or suggest shutting of fuel if the estimated temperature of the catalytic converter is greater than the maximum temperature of the catalytic converter and when the actual engine speed is greater than the maximum engine speed threshold. Therefore, Applicant respectfully submits that Nishimura does not disclose one or more required elements of Claim 1. Applicant believes that Claim 1, as well as its corresponding dependent claims, should be in condition for allowance. Claim 10 includes subject matter that is analogous to Claim 1, and therefore should be allowable for the same reasons.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 10/20/05

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